

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) RM-  
Table of Allotments, )  
FM Broadcast Stations. )  
 )  
(Limon, Colorado) )  
To: Mass Media Bureau (Policy & Rules)

**RECEIVED**  
APR 20 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Petition for Rule Making

Roger Hoppe, II ("petitioner"), by his attorney, respectfully petitions for rule making so as to allot Channel 268A to Limon, Colorado, as its second allotment, for the purpose of resolving the mutually-exclusive situation for the present allotment of Channel 225A. In support thereof, the following is shown.

Presently pending before the Commission are two applications for Channel 225A at Limon, one by petitioner (File No. BP-970108MF), and one by E.B. Hayden, LLC ("Hayden") (File No. BPH-970109MB). The applications are mutually exclusive, and only one may be granted. However, Commission policy permits resolution of this mutually exclusivity by the allotment of a second channel to Limon. Channel 286A, at Hayden's proposed transmitter site, 39° 16' 57"; 103° 42' 49", meets all Commission spacing requirements. Attached is a spacing study for Channel 286A from Hayden's site which demonstrates such compliance.

Coupled with the allotment of Channel 286A to Limon should be an order compelling the amendment of Hayden's application to specify the new channel, without loss of cut-off protection.

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List A B C D E MMB

Petitioner, as the original proponent of the Limon allotment, will maintain his current channel.

The instant proposal conforms with prior Commission actions which have resolved mutually-exclusive applications through the allotment of a second channel. See, e.g. Neguanee, Michigan, 11 FCC Rcd 12833 (1996) and Casper, Wyoming, 11 FCC Rcd 1071 (1996), and cases cited therein.

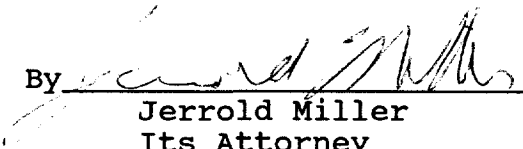
Should there be interest by a third party in an FM station at Limon, Channel 243A is also available for allotment to meet that interest, as it also meets all Commission requirements. A spacing study for Channel 243A, from an assumed site at 39° 14' 30"; 103° 39' 05, is also attached.

Petitioner affirms he will promptly construct the new facilities upon grant of his application.

In view of the above, the Commission should amend Section 73.202(b) as requested herein.

Respectfully Submitted,

ROGER HOPPE, II

By   
Jerrold Miller  
Its Attorney

April 20, 1999

Miller & Miller, P.C.  
P.O. Box 33003  
Washington, DC 20033

***David C. Schaberg***

**3105 S. M L King, Suite 169  
Lansing, Michigan 48910-2939  
517-393-1037 Fax 517-882-7500**

April 18, 1999

To: Engineering Supervisor  
FM Broadcast Division  
Mass Media Bureau  
Federal Communications Commission  
Washington, DC 20554

David C. Schaberg is a recognized authority in the field of FM allocations work with more than four dozen allocations involving competing proposals presented before the Commission over the past 30 years.

He has been retained by Roger L. Hoppe, II, to provide engineering studies which will allow for both applicants for channel 225A at Limon, CO, to be provided with the opportunity to provide service to this community. The studies attached hereto provide the information necessary for the Commission to resolve these mutually-exclusive applications by providing for an equivalent channel for the second applicant and another channel to be left open for additional applicants which may come forward at some future time.

Based upon the engineering studies from the FCC's computer database, it is my belief that the changes requested by Mr. Hoppe are viable and would result in the provision of additional service to Limon, CO, in the most speedy manner.

David C. Schaberg

04-18-1999

DAVID C. SCHABERG

517-393-1037

CH# 268A - 101.5 MHz

101.5, Class A, at proposed EB Hayden site, Limon, Colorado.

INTERFERENCE CHECKS WITH NEW, LIMON, CO at N. LAT. 39 16 57 W. LONG. 103 42 49

PWR = 6 kW H.A.A.T. = 100 M C.O.R. = 1791 M AMSL

Protected F(50-50) 60 dBu = 28.29 km

F(50-10) 40 dBu = 86.76 54 dBu = 43.29 80 dBu = 9.03 100 dBu = 2.8  
 F(50-10) 37 dBu = 98.22 51 dBu = 51.45 77 dBu = 10.85 97 dBu = 3.27  
 F(50-10) 34 dBu = 112.49 48 dBu = 59.67 74 dBu = 12.96 94 dBu = 3.94

CH#	CALL	TYPE	* IN *	* OUT *	BEARING	DISTANCE	LAT.	PWR(kW)	INT(km)	PRO(km)
CITY	STATE	LICENSEE			<---		LONG.	HAAT(M)	COR(M)	FILE #
265C3	KNEC.C	CP CN	42.0 R	72.9 M	45.0	114.91 km	40 00 33	6.00	2.86	29.11
Yuma	CO	Arnold Broadcasting Co., I			225.0	71.40 Mi	102 45 37	106.0	1393	BPH961118MY
266C	KOSI	LI DEY	95.0 R	44.9 M	291.3	139.93 km	39 43 45	100.00	44.88	86.53
Denver	CO	Tribune Denver Radio, Inc.			111.3	86.95 Mi	105 14 06	495.0	2262	BMLH960415KC
FCC Comment > HAAT DETERMINED BY ONLY 4 RADIALS.										
267C	KAWQ.C	CP CN	165.0 R	87.0 M	19.9	251.99 km	41 24 41	100.00	105.43	72.37
Bridgeport	NE	Tracy Broadcasting Corpora			199.9	156.58 Mi	102 41 10	301.0	1485	BPH960506MA
268C	KTUN	LI CY	226.0 R	44.2 M	281.8	270.17 km	39 44 18	37.00	179.88	84.47
Eagle	CO	L & B Broadcasting II, LLC			101.8	167.88 Mi	106 47 58	674.0	3171	BLH840427DO
FCC Comment > WAIVER OF MINIMUM POWER GRANTED FOR CLASS C										
269D	K269CL	LI DRN	90.0	82.5	286.1	140.86 km	39 37 24	0.04	22.60	15.11
Evergreen	CO	Noble Broadcast Licenses,			106.1	87.53 Mi	105 17 24	354.0	2646	BLFT950811TB
FCC Comment > Translator for KMH, Denver, CO.										
269A	KBRUFM	LI CN	72.0 R	37.0 M	353.8	109.02 km	40 15 31	3.00	23.51	15.48
Fort Morgan	CO	Morgan County Broadcasting			173.8	67.74 Mi	103 51 07	41.0	1386	BLH3983
270C	KKCSFM	LI CN	95.0 R	20.9 M	239.3	115.93 km	38 44 43	72.00	49.92	92.22
Colorado Springs	CO	Walton Stations-Colorado,			59.3	72.04 Mi	104 51 41	695.0	2946	BLH960111RJ

I.F. RELATIONSHIPS: NONE FOUND

04-18-1999

DAVID C. SCHABERG

517-393-1037

CH# 242A - 96.3 MHz

96.3, Class A, as third channel for Limon, Colorado.

INTERFERENCE CHECKS WITH NEW, , at N. LAT. 39 14 30 W. LNG. 103 39 05

PWR = 6 kW H.A.A.T. = 100 M

Protected F(50-50) 60 dBu = 28.29 km

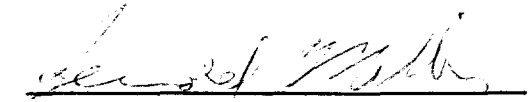
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CITY	STATE	LICENSEE			<---		LNG.	HAAT(M)	COR(M)	FILE #
239C	KHII	LI DEN	95.0 R	51.9 M	292.4	146.85 km	39 43 59	100.00	12.65	86.21
Denver	CO	Noble Broadcast of Seattle			112.4	91.25 Mi	105 14 10	490.0	2259	BMLH85071722
FCC Comment > HAAT DETERMINED BY ONLY 4 RADIALS.										
241C3	KPRZFM	LI CN	89.0 R	29.3 M	242.6	118.29 km	38 44 47	0.51	59.45	38.42
Fountain	CO	Bison Media, Inc.			62.6	73.50 Mi	104 51 37	614.0	2869	BLH921005KD
FCC Comment > *To Channel 241C2 per one-step Application 960501IC										
241C1	KGLL	LI CN	133.0 R	51.8 M	327.8	184.82 km	40 38 34	100.00	94.74	63.91
Greeley	CO	Duchossois Communications			147.8	114.84 Mi	104 49 08	201.0	1764	BMLH920717KA
241C1	KGLL.C	CP CN	133.0 R	61.1 M	325.9	194.14 km	40 40 50	100.00	97.40	66.02
Greeley	CO	Jacor Broadcasting of Colo			145.9	120.63 Mi	104 56 32	224.0	1819	BPH971120IA
241C2	KPRZFM	CPWZCN	106.0 R	12.4 M	242.5	118.39 km	38 44 43	1.70	77.89	52.24
Fountain	CO	Bison Media, Inc.			62.5	73.56 Mi	104 51 39	670.0	2920	BMPH970513IE
243C1	CP243	CP CN	133.0 R	76.5 M	30.3	209.49 km	40 51 42	100.00	90.86	60.91
Julesburg	CO	Julesburg/Holyoke Media As			210.3	130.17 Mi	102 23 35	170.0	1326	BPH961213MB
FCC Comment > One-step application from vacant Channel 243C1-Amended 980401-										
HAAT for a Class C should not be less than 300m. Amended 980605 to change										
Channel to 243C1-No longer a one-step										
243C	KXPK	LI CN	165.0 R	0.1 M	287.6	165.10 km	39 40 35	100.00	132.34	88.64
Evergreen	CO	Evergreen Wireless Limited			107.6	102.59 Mi	105 29 09	530.0	3281	BLH940701KC
245C	KCCY	LI CY	95.0 R	23.4 M	242.6	118.43 km	38 44 43	72.00	13.10	92.22
Pueblo	CO	Mc Coy Broadcasting Compan			62.6	73.59 Mi	104 51 41	695.0	2946	BLH940217KC
I.F. RELATIONSHIPS:										
296C1	KSIRFM	LI ZHN	22.0 R	98.9 M	341.5	120.95 km	40 16 24	100.00	9.58	69.48
Brush	CO	KKDD-FM Broadcasters			161.5	75.15 Mi	104 06 16	265.0	1640	BLH950915KB

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of April , 1999, a copy of the foregoing document was placed in the United States mail, first class postage prepaid, addressed to the following:

E. B. Hayden LLC  
225 North Mill Street  
Aspen, CO 81611



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